

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

IN RE: GENWORTH FINANCIAL  
SECURITIES LITIGATION

Civil Case No.: 3:14-cv-682-JAG

DAVID PINKOSKI, *et al.*,

Plaintiffs,

Civil Case Nos.: 3:15-cv-463-JAG  
3:15-cv-504-JAG  
3:15-cv-517-JAG  
3:15-cv-527-JAG

v.

THOMAS J. MCINERNEY, *et al.*,

Defendants.

**ORDER**

This matter comes before the Court upon the conclusion of the joint pretrial hearing.

1. The Court has before it four derivative cases that arise from the same common nucleus of facts and assert similar claims against similar defendants: *Cohen v. McInerney, et al.* (No. 3:15-cv-504-JAG); *Salberg v. McInerney, et al.* (No. 3:15-cv-517-JAG); *Pinkoski v. McInerney et al.* (No. 3:15-cv-463-JAG); *International Union of Operating Engineers Local No. 478 Pension Fund v. McInerney et al.* (No. 3:15-cv-527-JAG). Given these similarities, the Court DIRECTS that the above-referenced cases be CONSOLIDATED for all purposes under the case name *Pinkoski v. McInerney, et al.* (No. 3:15-cv-463-JAG). All future pleadings in the derivative cases shall be filed under *Pinkoski v. McInerney, et al.* (No. 3:15-cv-463-JAG).

2. The Court DIRECTS the plaintiffs in the consolidated derivative suit to file an amended consolidated complaint within 21 days of the order appointing lead counsel. The Court DIRECTS the defendants to file an answer or other responsive motion 21 days after the plaintiffs file the amended consolidated complaint. Plaintiffs' reply, should they choose to file one, must be filed no later than 7 days after the answer. The Court GRANTS defendant, KPMG LLP, if it remains a defendant in this action, leave to file two motions to dismiss. KPMG should file the first motion, on arbitration, within ten days, after the plaintiffs file the amended consolidated complaint.

3. The Court CONSOLIDATES the derivative suits with *In Re Genworth* (No. 3:14-cv-682) for the purposes of discovery.

4. The Court DIRECTS the plaintiffs in *In Re Genworth* to produce the documents they have received from defendants to the plaintiffs in the consolidated derivative suit. They shall not produce the documents until the Court rules on any motions to dismiss the amended complaint in the derivative action.

5. The Court GRANTS in part and DENIES in part the Joint Motion to Continue Trial and for Entry of Amended Pretrial Scheduling Order. The Court Grants the motion to continue the trial but DENIES the proposed schedule. After the Court appoints lead counsel in the derivative suits, the Court will enter an amended pretrial scheduling order.

6. Parties will provide all discovery documents on thumb drives. The plaintiffs' cost of discovery will be shared equally between the class action plaintiffs and the consolidated derivative suit plaintiffs. Plaintiffs will submit billing for discovery costs to the Court for review. The Court will not grant reimbursement for long distance phone calls or photocopying.

All air travel connected with this litigation will be in coach class. Train travel may be business class.

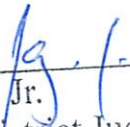
7. The Court DIRECTS the defendants to submit supplemental briefing on plaintiffs' Motion to Seal Complaint no later than October 2, 2015.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: September 30, 2015

Richmond, Virginia

/s/   
John A. Gibney, Jr.  
United States District Judge